



U.S. Department
of Transportation

Research and
Special Programs
Administration

400 Seventh Street, S.W.
Washington, D.C. 20590

DEC 28 1999

DOT-E 11412
(FOURTH REVISION)

EXPIRATION DATE: November 30, 2001

(FOR RENEWAL, SEE 49 CFR § 107.109.)

1. GRANTEE. Starr Display Fireworks, Inc., Walcott, North Dakota and Wizard Works, Inc., Arthur, North Dakota.
2. PURPOSE AND LIMITATION. This exemption authorizes the transportation in commerce of certain approved Division 1.3G fireworks devices that may, when packaged, marked and offered for transportation and transported fully in accordance with the conditions of this exemption, be classed during transportation as Division 1.4G fireworks. This exemption provides no relief from any regulation other than as specifically stated herein.
3. REGULATORY SYSTEM AFFECTED. 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED. 49 CFR § 173.56 (j) to the extent specified in this exemption.
5. BASIS. This exemption is based on Starr Display Fireworks, Inc. and Wizard Works, Inc. application dated December 10, 1999, submitted in accordance with § 107.109.
6. HAZARDOUS MATERIALS (49 CFR § 172.101).

This exemption applies only to Division 1.3G fireworks devices approved under approval EX-9502033 that are, for the purpose and extent of this exemption, described, classed and identified as follows:

Hazardous materials description/proper shipping name	Hazard Class/Division	Identification number	Packing Group
Fireworks	1.4G	UN0336	II

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7. PACKAGING AND SAFETY CONTROL MEASURES.

1). Construction of fireworks devices:

a. Each fireworks device may contain no more than 16 mortar tubes that are mounted on a single solid base no less than 5/8" thick.

b. Each tube may contain no more than 40 grams of chemical composition further limited to chemicals listed in Table 4.3-1 of the American Pyrotechnics Association (APA) Standard 87-1 (April 1993 Edition) and no more than 20 grams of lift charge. Each lift charge must be fully contained within the mortar by use of an inner bag or similar packaging. The total chemical composition in a device, including the lift charge, may not exceed 800 grams.

c. Except as specifically provided by this exemption, each fireworks device must meet all applicable requirements of APA Standard 87-1 (April 1993 Edition).

2). Packaging:

a. Each fireworks device must be packaged in a UN 4G box with a plywood pad, no less than 3/16th inch thick and equal in dimension to the length and width of the base of the device, that is placed inside the box so as to completely cover the muzzle of each tube.

b. Each package may contain no more than one sixteen-tube device, two twelve-tube devices, or two eight-tube devices.

3). Marking:

a. A fireworks device (including a component thereof) subject to this exemption may not be marked in any manner that would indicate it falls within Division 1.4 or any classification for fireworks in effect prior to October 1, 1993.

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b. In addition to marking requirements specified in § 172.300, each package must be legibly marked, near the required exemption identification, with the following statement "The 1.4G classification indicated by the label on this package is not valid if this packaging, including inner packaging materials for the fireworks device(s) in this package, deviates in any manner from the packaging required by DOT Exemption 11412"

8. SPECIAL PROVISIONS.

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle, and rail freight.

10. MODAL REQUIREMENTS. A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

11. COMPLIANCE. Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq.:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Registration required by § 107.601 et seq., when applicable.


Each "Hazmat employee", as defined in § 171.8 who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

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No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS. The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incidents involving fire, explosion or the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

for 

Alan I. Roberts
Associate Administrator for Hazardous
Materials Safety

12/28/99
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, S.W., Washington, DC, 20590-0001, Attention: Records Center, 202-366-5046.

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